

90TH CONGRESS
1ST SESSION

S. 2394

IN THE SENATE OF THE UNITED STATES

on or before SEPTEMBER 12 (legislative day, SEPTEMBER 11), 1967

Mr. KENNEDY of New York (for himself, Mr. Moss, and Mr. RANDOLPH),
introduced the following bill; which was read twice and referred to the
Committee on Commerce

A BILL

To amend the Federal Cigarette Labeling and Advertising
Act with respect to the labeling of packages of cigarettes,
and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 *That section 4 of the Federal Cigarette Labeling and Adver-*
- 4 *tising Act (15 U.S.C. 1333) is amended—*
- 5 *(1) by striking out the caption and inserting in*
- 6 *lieu thereof “LABELING AND ADVERTISING”;*
- 7 *(2) by inserting “(a)” immediately after “SEC.*
- 8 *4.”;*
- 9 *(3) by striking out “Caution: Cigarette Smoking*

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1 May Be Hazardous to Your Health.' " and inserting in
2 lieu therof " 'Warning: Cigarette Smoking Is Danger-
3 ous to Health and May Cause Death From Cancer and
4 Other Diseases'; or the package of which fails to state
5 the average tar and nicotine yields per cigarette in such
6 package as determined by a method approved by the
7 Secretary of Health, Education, and Welfare.";

8 (4) by striking out "Such statement" in the second
9 sentence thereof and inserting in lieu thereof "Each such
10 statement";

11 (5) by striking out "on every" in the second sen-
12 tence thereof and inserting in lieu thereof "on the face
13 of every"; and

14 (6) by adding at the end thereof the following new
15 subsection:

16 "(b) It shall be unlawful for any person to disseminate
17 or cause to be disseminated any advertisement which is
18 intended to induce, directly or indirectly, the purchase of
19 any cigarettes in commerce, unless there is included as a part
20 of such advertisement the statement 'Warning: Cigarette
21 Smoking Is Dangerous to Health and May Cause Death
22 From Cancer and Other Diseases', and a statement of the
23 average tar and nicotine yields per cigarette (as determined
24 by a method approved by the Secretary of Health, Educa-
25 tion, and Welfare) of the cigarettes referred to in such
26 advertising."

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1 SEC. 2. Section 5 of the Federal Cigarette Labeling and

2 Advertising Act (15 U.S.C. 1334) is amended—

3 (1) by striking out the caption and subsections (a),

4 (b), and (c) of such section and inserting in lieu thereof

5 the following:

6 "ENFORCEMENT OF ADVERTISING REQUIREMENTS AND

7 REGULATION OF LENGTHS OF CIGARETTES

8 "(a) The Federal Trade Commission, after con-

9 sultation with the Federal Communications Commission in

10 appropriate cases, is authorized to prescribe the form and

11 manner of the statements in cigarette advertisements required

12 by section 4(b) of this Act.

13 "(b) Any violation of any provision of section 4(b) of

14 this Act or regulations relating to advertising prescribed pur-

15 suant to such section shall constitute an unlawful advertising

16 of drugs for purposes of sections 12, 13, 14, and 15 of the

17 Federal Trade Commission Act (15 U.S.C. 52, 53, 54, and

18 55), and such provisions and regulations shall be subject to

19 enforcement under such sections.

20 "(c) If the Secretary of Health, Education, and Wel-

21 fare determines that longer cigarettes increase the risk to

22 persons smoking such cigarettes of incurring or aggravating

23 any disease or diseases or other debilitating physiological

24 condition or conditions, he may, in cooperation with the

25 Federal Trade Commission, after notice and opportunity for

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1 a hearing, prescribe rules establishing a maximum length or
2 maximum lengths for cigarettes.

3 "(d) It shall be unlawful for any person to manufacture,
4 import, or package for sale or distribution within the United

5 States any cigarette which is longer than the maximum
6 length for such cigarette under rules prescribed pursuant to
7 subsection (a) of this section."; and

8 (2) by striking out "(d)" and inserting in lieu thereof
9 "(e)".

10 SEC. 3. Section 10 of the Federal Cigarette Labeling
11 and Advertising Act (15 U.S.C. 1339) is repealed.

12 SEC. 4. The amendments made by this Act shall take
13 effect on the one hundred and eighty-first day after the date
14 of enactment of this Act.

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By Mr. KENNEDY of New York, Mr. Moss, and
Mr. RANDOLPH

SEPTEMBER 12 (legislative day, SEPTEMBER 11), 1967
Read twice and referred to the Committee on
Commerce

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